

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA :

:

VS : NO. 3:08-CR-392

:

LEON KREPPS, :

Defendant :

BEFORE: HONORABLE JAMES M. MUNLEY
UNITED STATES DISTRICT JUDGE

PLACE: SCRANTON, PENNSYLVANIA

PROCEEDINGS: CHANGE OF PLEA

DATE: FEBRUARY 2, 2009

APPEARANCES:

For the Government: FRANCIS P. SEMPA, ESQ.
Assistant U.S. Attorney
William J. Nealon Federal Building
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Scranton, PA 18501

For the Defendant: INGRID S. CRONIN, ESQ.
Federal Public Defender
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EXHIBIT INDEXFOR THE GOVERNMENTMARKED

Exhibit Nos. 1 through 5

23

1 MR. SEMPA: Your Honor, I call the case of United
2 States versus Leon Krepps. The docket number is 3:CR-08-392.
3 This is the time and place set for a change of plea in this
4 matter.

5 The Defendant is present with counsel, and pursuant
6 to a plea agreement is prepared to plead guilty to Count 1 of
7 the indictment which charges the Defendant with a violation of
8 Title 18, United States Code, Section 2252(a)(2), receiving
9 child pornography.

10 That charges carries a mandatory minimum sentence of
11 5 years in prison, a potential maximum sentence of 20 years in
12 prison, a fine of up to \$250,000, at least five years of
13 supervised release, up to a life term of supervised that would
14 follow any prison sentence, and a \$100 special assessment.

15 Your Honor, this plea agreement has been made
16 pursuant to Rule 11(c)(1)(C) in which the parties have agreed to
17 recommend a specific sentence to the Court.

18 THE COURT: Good afternoon, Mr. Krepps.

19 MR. KREPPS: Good afternoon.

20 THE COURT: Mr. Krepps, I have been informed you wish
21 to enter a plea of guilty, is that right?

22 MR. KREPPS: Yes, that is correct.

23 THE COURT: So anytime anyone is going to enter a
24 plea of guilty, it is necessary for the Judge to ask them a lot
25 of questions, and that is to make sure that you know what

1 rights you give up when you plead guilty, and also, as far as
2 we're concerned, that we are convinced that it is a voluntary
3 decision and an intelligent decision by you.

4 Do you understand that?

5 MR. KREPPS: Yes.

6 THE COURT: So I apologize for all the questions.
7 Please bear with me as I go through this.

8 The first thing we are going to do is have you sworn
9 in.

10 LEON KREPPS, having been duly sworn or affirmed according to
11 law, testified as follows:

12 THE COURT: Now, you're under oath, and it's
13 imperative that you answer the questions truthfully; otherwise,
14 you could be charged with false statements or perjury.

15 How old are you, Leon?

16 MR. KREPPS: 40 years.

17 THE COURT: 40?

18 MR. KREPPS: Yes.

19 THE COURT: And where are you from?

20 MR. KREPPS: I currently live in Wilkes-Barre.

21 THE COURT: And is that where you're originally from?

22 MR. KREPPS: I'm originally from York, Pennsylvania.

23 THE COURT: How long have you lived in Luzerne
24 County?

25 MR. KREPPS: I have been in Luzerne County for the

1 past, approximately, 3 years.

2 THE COURT: And how far did you go in school?

3 MR. KREPPS: I have a bachelor's degree from Penn
4 State University.

5 THE COURT: And, of course, you read and write the
6 English language, right?

7 MR. KREPPS: Yes.

8 THE COURT: Have you had any drugs or alcohol in the
9 last 24 hours?

10 MR. KREPPS: No.

11 THE COURT: Have ever been treated for a mental
12 condition?

13 MR. KREPPS: No.

14 THE COURT: And Miss Cronin is representing you?

15 MR. KREPPS: Yes.

16 THE COURT: Are you satisfied with her?

17 MR. KREPPS: Yes.

18 THE COURT: And she is standing right there at your
19 left hand, and the only reason she is here is to protect you or
20 to answer any questions you may have as we go through this, and
21 we encourage you to talk to her as we go through it. Just lean
22 over and whisper to her, or if you want to talk to her
23 privately, let me know, and you can step outside and talk to
24 her privately. All right?

25 MR. KREPPS: Okay.

1 THE COURT: And you said you're satisfied with her.
2 You think she's a good lawyer?

3 MR. KREPPS: Yes.

4 THE COURT: And I'm going to ask you a number of
5 questions. At any time if you don't understand the questions
6 I'm asking or the statements I'm making, just indicate that to
7 me, and I will do my best to rephrase it or further explain it
8 for you. Okay?

9 MR. KREPPS: Okay.

10 THE COURT: And it is my responsibility to talk to
11 you and to explain to you your Constitutional Rights and how
12 they are affected by you pleading guilty, and the first of
13 these is that you understand that you don't have to plead
14 guilty. Do you understand that?

15 MR. KREPPS: I understand it.

16 THE COURT: If you didn't plead guilty, you would, if
17 we haven't already done so, I would be selecting a speedy trial
18 date for a trial on these charges by a jury of 12 people, and
19 that jury would be summoned from throughout the Middle District
20 of Pennsylvania, and they would be called to the courtroom, and
21 you and Miss Cronin would participate in the selection of the
22 jury.

23 We would have that jury, 12 people, who would sit in
24 that jury box over there. They would hear the evidence, and at
25 the conclusion of the trial, they would render a verdict of

1 guilty or not guilty. Do you understand that?

2 MR. KREPPS: Yes.

3 THE COURT: And I can best explain to you the rights
4 that you give up when you plead guilty by explaining to you the
5 rights that you have if you continued to plead not guilty and
6 went to trial. Do you understand?

7 MR. KREPPS: Yes.

8 THE COURT: In that fashion, I will explain to you
9 what rights you give up.

10 Mr. Krepps, if you had continued to plead not guilty
11 and went to a jury trial, you would be presumed innocent of the
12 charges. Do you understand that?

13 MR. KREPPS: Yes.

14 THE COURT: And the Government, Mr. Sempa and
15 company, they would have to prove you guilty of each element of
16 the offense by competent evidence and with proof beyond a
17 reasonable doubt before you could be found guilty of the
18 charges. Do you understand that?

19 MR. KREPPS: Yes.

20 THE COURT: And if you went to trial, you would not
21 have to prove that you were innocent. Do you understand that?

22 MR. KREPPS: Yes.

23 THE COURT: In other words, if you went to trial,
24 there would be no burden on you whatsoever. The burden would
25 always be on the Government. That burden would be to prove you

1 guilty beyond a reasonable doubt. Do you understand that?

2 MR. KREPPS: Yes.

3 THE COURT: And, in fact, if you went to trial, you
4 wouldn't even have any obligation to present any evidence on
5 your behalf. Do you understand that?

6 MR. KREPPS: Yes.

7 THE COURT: And at trial, you would be entitled to be
8 represented by counsel, by Miss Cronin, and through counsel to
9 confront and cross-examine any witness who might appear to
10 testify against you. Do you understand that?

11 MR. KREPPS: Yes.

12 THE COURT: And at trial, you would be entitled to
13 have witnesses summoned to appear and testify on your behalf if
14 you so desired. Do you understand that?

15 MR. KREPPS: Yes.

16 THE COURT: Do you understand that you could only be
17 convicted, could only be found guilty by that jury if it
18 unanimously found you guilty of the charges, which means that
19 all 12 jurors would have to agree on your guilt before you
20 could be found guilty of the charges? Do you understand that?

21 MR. KREPPS: Yes.

22 THE COURT: And at trial, you would have the right to
23 testify, if you choose to do so, but you would also have the
24 right not to testify. Do you understand that?

25 MR. KREPPS: Yes.

1 THE COURT: If you chose not to testify, I would
2 instruct the jury that it could not draw any adverse inference
3 whatsoever from your failure to testify. Do you understand
4 that?

5 MR. KREPPS: Yes.

6 THE COURT: So these are the principles I wanted to
7 review with you. Do you have any questions about them? Do you
8 understand them?

9 MR. KREPPS: I understand them. No questions.

10 THE COURT: Obviously, these rights that I have just
11 explained to you contemplate you pleading not guilty and having
12 a jury trial.

13 Now, the first question that I asked you here this
14 afternoon was, I said, I have been informed that you wish to
15 enter a plea of guilty, and you said, yes, Judge, I do, right?

16 MR. KREPPS: Yes.

17 THE COURT: So if you enter a plea of guilty, I just
18 want to explain to you that there is not going to be any trial,
19 there is not going to be any jury, and you will have given up
20 or waived or surrendered these Constitutional Rights that I
21 just reviewed with you. Do you understand that?

22 MR. KREPPS: Yes.

23 THE COURT: So is it your desire to give up these
24 rights and to enter a plea of guilty?

25 MR. KREPPS: Yes.

1 THE COURT: And you think it's in your best interest
2 to do so?

3 MR. KREPPS: Yes.

4 THE COURT: And if you would just listen, Mr. Sempa,
5 I will ask him to read or summarize the charges.

6 MR. SEMPA: Your Honor, the charges are that between
7 the approximate dates of January 2005 and October the 3rd of
8 2008, the Defendant did willfully and knowingly receive visual
9 depictions of minors engaged in sexually explicit conduct that
10 were mailed, shipped and transported and which contained
11 materials that were mailed, shipped and transported in
12 interstate or foreign commerce by means of a computer, and the
13 production of which involved the use of a minor engaging in
14 sexually explicit conduct.

15 THE COURT: Do you understand that?

16 MR. KREPPS: Yes.

17 THE COURT: The elements of that offense are?

18 MR. SEMPA: The elements are that the Defendant
19 willfully and knowingly received visual depictions of minors
20 engaged in sexually explicit conduct, that those images or
21 depictions were mailed, shipped and transported in interstate
22 or foreign commerce or contained materials that were mailed,
23 shipped or transported in interstate or foreign commerce, and
24 that the production of those materials involved the use of a
25 minor engaging in sexually explicit conduct.

1 THE COURT: Do you understand the charge?

2 MR. KREPPS: Yes.

3 THE COURT: Do you understand the elements?

4 MR. KREPPS: Yes.

5 THE COURT: Now I'm going to ask Mr. Sempa if he
6 would place on the record what you did. Please listen to him,
7 and I will come back and ask you if you admit the things that
8 he said you did.

9 MR. SEMPA: Your Honor, this was an investigation by
10 the FBI, the local Pittston Police, as well as European police
11 in several European countries.

12 In the fall of 2006, Italian law enforcement
13 authorities identified a producer of child pornography, and
14 they searched his residence in the fall of 2006 and located
15 approximately 50,000 e-mails that this individual had exchanged
16 with individuals who had visited the website, the child
17 pornography website he had set up that was entitled
18 youngvideomodels.net.

19 Italian law enforcement authorities provided these
20 e-mails to Europol who sorted them out by country according to
21 the IP addresses that were obtained from the files. Europol
22 then sent the FBI a database of approximately 10,000 e-mails
23 that were between this producer of child pornography and
24 approximately 1400 customers' distinct e-mail addresses that
25 belonged to United States citizens or people in the United

1 States. They also seized -- the European authorities seized
2 files of child pornography.

3 All of the videos depicted females under the age of
4 17, many of them were under the age of 10, all in sexually
5 explicit poses or engaged in sexual acts.

6 One of the e-mail exchanges that was provided to the
7 FBI was an e-mail lv1lak@verizon.net. There were two e-mail
8 exchanges between that site and the producer's site in Europe,
9 and the e-mail addresses were from April of 2005 to August of
10 2005, approximately one year before the Italian authorities
11 arrested this individual.

12 That e-mail address was attached to Comcast, and a
13 subpoena on Comcast provided the account information connected
14 with that e-mail address, and the subscriber of that account
15 came back to a Leon Krepps, and at that time, the address for
16 Mr. Krepps was on Warren Street in Bethlehem, Pennsylvania.

17 The FBI reviewed the e-mail communications between
18 the producer of child pornography and that particular e-mail
19 address.

20 On April 7th of 2005, the United States Citizen,
21 which was identified as Mr. Krepps, indicated he was interested
22 in purchasing all of the dvds that were available, and then in
23 August of 2005, the communication sent from Mr. Krepps to the
24 website indicated that I sent a Western Union Order, and he
25 noted what the order was, to you on July the 28th of 2005, and

1 as of this time, I have not received the order, and then he
2 identified the two titles that he had ordered.

3 At the time of ordering the videos, the person using
4 that e-mail address provided the following name, address and
5 phone number. It was Leon Krepps at Warren Street in
6 Bethlehem, Pennsylvania with a specific phone number.

7 The FBI viewed the two specific items that were
8 requested by Mr. Krepps that were identified in the catalogue,
9 reviewed them. They both depicted 13-year-old girls. They
10 were pornographic. They included lascivious exhibition of the
11 genital area of the 13-year-old girls.

12 FBI then checked to find the current whereabouts of
13 Mr. Krepps, and through a check revealed that he had sold his
14 home in Bethlehem, Pennsylvania and had moved to Pittston, to
15 Front Street in Pittston, Pennsylvania.

16 They conducted surveillance to corroborate the fact
17 that he was residing at a location on Front Street in Pittston,
18 and then on October the 3rd of 2008, they visited Mr. Krepps.
19 They interviewed Mr. Krepps. He acknowledged visiting the
20 website youngvideomodels.net from a couple of years ago, he
21 said. He was shown a copy of the e-mails and the order in
22 which he ordered the material, and he confessed to sending
23 those e-mails.

24 He also acknowledged that the e-mails involved what
25 he believed were 13-year-old females dancing with their vaginal

1 areas exposed. Mr. Krepps further stated that he would get on
2 the computer a couple times a week, spend several hours looking
3 for pornography, sometimes adult pornography and sometimes
4 child pornography, and that he had been doing it since 2005.

5 Mr. Krepps was asked for consent to view image files
6 and search his computer which he agreed. He also advised that
7 there was a list of pornography sites on a piece of paper near
8 his computer, and he gave consent for the FBI agent to look for
9 that document. They did find that document, and it contained
10 several websites that were known to the FBI agent as child
11 pornography sites.

12 A subsequent examination of the Defendant's computer
13 revealed hundreds of images and videos of child pornography and
14 included at least 100 known victims of child pornography.

15 That is the evidence we would present, Your Honor.

16 THE COURT: Mr. Krepps, I want to ask you
17 specifically, you heard Mr. Sempa, and do you admit that you
18 did the things that he said you did?

19 MR. KREPPS: Yes.

20 THE COURT: Can I see counsel at sidebar?

21 (At this time, a discussion was held off the record at sidebar.)

22 THE COURT: The maximum penalties under the statute
23 are?

24 MR. SEMPA: There's a mandatory minimum of five years
25 in prison. There's a potential maximum sentence of 20 years in

1 prison. There's a fine of up to \$250,000, at least five years
2 of supervised release, up to a life term of supervised release
3 that would follow any prison sentence, and a \$100 special
4 assessment.

5 There was also a provision under the Adam Walsh Act,
6 Your Honor, that after the Defendant completes his prison
7 sentence, he would be examined by two physician psychiatrists
8 who would make a determination whether or not he continues to
9 be a danger to the public, and depending upon that, he could
10 potentially face a civil commitment after his prison sentence.

11 THE COURT: Do you understand that, Mr. Krepps?

12 MR. KREPPS: Yes, I understand.

13 THE COURT: Are you entering this plea according to
14 your own free will?

15 MR. KREPPS: Yes.

16 THE COURT: Has anyone forced you, threatened you,
17 cajoled you in any way in return for your guilty plea?

18 MR. KREPPS: No.

19 THE COURT: And there has also been a plea agreement,
20 and a plea agreement is where the Government and the Defendant
21 get together and make mutual concessions to each other, and one
22 of your concessions is that you enter a plea of guilty, and
23 although it has a dubious ring to it, plea agreements -- are
24 you okay?

25 MR. KREPPS: Yes.

1 THE COURT: -- plea agreements or plea bargains, I
2 want you to understand that plea agreements are valid
3 procedures, criminal procedures specifically approved by the
4 United States Supreme Court. Do you understand that?

5 MR. KREPPS: Yes.

6 THE COURT: And I have a copy of the plea agreement
7 in front of me. Do you have a copy there?

8 MR. KREPPS: Yes.

9 THE COURT: Have you seen this plea agreement before?

10 MR. KREPPS: Yes.

11 THE COURT: Have you read it?

12 MR. KREPPS: Yes.

13 THE COURT: Has it been explained to you fully by
14 Miss Cronin?

15 MR. KREPPS: Yes.

16 THE COURT: Have you had sufficient time to go over
17 the plea agreement with Ingrid Cronin?

18 MR. KREPPS: Yes.

19 THE COURT: And do you understand its contents? Do
20 you have any questions whatsoever concerning the plea
21 agreement?

22 MR. KREPPS: No.

23 THE COURT: Is your understanding of the plea
24 agreement the same as that which is contained in this written
25 document?

1 MR. KREPPS: Yes.

2 THE COURT: I'm going to ask Mr. Sempa if he would
3 explain the written plea agreement.

4 MR. SEMPA: Yes, Your Honor.

5 Initially, Defendant and counsel both understand that
6 the sentencing guidelines in an advisory capacity to the Court
7 do apply to the offense to which he's pleading guilty.

8 The Defendant has agreed to plead guilty to Count 1
9 of the indictment which charges him with receiving child
10 pornography. He understands that there is a mandatory minimum
11 sentence of five years in prison, a potential maximum sentence
12 of 20 years in prison, a fine of up to \$250,000, at least five
13 years of supervised release, up to a life term of supervised
14 release that would follow any prison sentence, and a \$100
15 special assessment.

16 The United States has agreed that after sentencing,
17 it will move to dismiss any remaining counts against the
18 Defendant in the indictment.

19 The United States has also agreed that it will not
20 bring any other criminal charges against the Defendant directly
21 arising out of his involvement in this offense. The Defendant
22 understands, however, that nothing in the agreement would limit
23 prosecution for criminal tax charges, if there were any that
24 arose from this offense.

25 Counsel for the Defendant has indicated that not only

1 does the Defendant wish to enter a plea of guilty, but he will
2 demonstrate an affirmative acceptance of responsibility as
3 required by the sentencing guidelines. If the Defendant can
4 adequately demonstrate that acceptance of responsibility, the
5 Government will move at sentencing that he receive a
6 three-level reduction in his offense level under the guidelines
7 for acceptance of responsibility.

8 The Defendant understands that the failure of the
9 Court to find that he's entitled to that three-level reduction
10 is not a basis upon which to void the plea agreement.

11 At the time of sentencing, the United States will
12 make a recommendation that is in accordance with the terms of
13 the plea agreement.

14 Pursuant to Rule 11(c)(1)(C) of the Federal Rules of
15 Criminal Procedure, the Government and the Defendant agree to
16 recommend as follows:

17 The Defendant shall be sentenced to 135 months in
18 prison, a lifetime of supervised release, a fine, if any, to be
19 determined by the Court, and a \$100 special assessment. The
20 parties agree that this sentence is a reasonable sentence under
21 the facts and circumstances of the case.

22 If at sentencing the Court fails to accept the
23 stipulation of the parties or imposes a sentence greater or
24 lesser than that agreed to by the parties, then the Defendant
25 and the Government have the right to withdraw from the

1 agreement, and the Defendant may withdraw any guilty plea
2 entered pursuant to the agreement.

3 The Defendant understands that the Court is not a
4 party to the agreement and is not bound by the agreement or any
5 recommendations made by the parties.

6 However, if the Court refuses to accept the agreement
7 and imposes a sentence greater or less than the sentence
8 specified in the agreement, neither party will be bound by the
9 terms of the agreement and will be permitted to withdraw from
10 the agreement.

11 Finally, the Defendant is aware that normally he
12 would have the right to appeal the conviction and any sentence
13 imposed. Understanding all of this, the Defendant knowingly
14 waives the right to appeal any conviction and sentence imposed
15 in accordance with the terms of the plea agreement on any and
16 all grounds, constitutional or non-constitutional, including
17 the manner in which the sentence was determined.

18 The Defendant has also agreed to waive his right to
19 challenge any conviction or sentence or the manner in which the
20 sentence was determined in any collateral proceeding as well.

21 Those are the highlights of the plea agreement, Your
22 Honor.

23 THE COURT: Miss Cronin, do you agree with the
24 explanation?

25 MS. CRONIN: Yes, I do, Your Honor.

1 I would like the Court to know that Mr. Sempa read a
2 series of facts that the Government said they would present if
3 this Defendant went to trial.

4 My client disagrees with some of the facts, but in
5 essence, he agrees that he did have child pornography. So I
6 wanted to make sure that we put that on the record.

7 THE COURT: Do you want to put on the record what
8 your client disagrees with?

9 MS. CRONIN: I don't think that it is anything that
10 is material, but it is up to him.

11 THE COURT: I think it's best in this situation -- in
12 any situation that we're taking a plea that if you are
13 representing that the Defendant does not agree with something
14 that Mr. Sempa said, I think that we should put that on the
15 record and leave all the parties be the judge if it affects it.

16 MR. KREPPS: What was stated about the modeling
17 website, in 2005, I felt that that was a perfectly legal
18 website with models, and I believe you mentioned that they
19 exposed certain areas and it was child porn. I don't agree
20 with that, it being child porn. They were clothed. They were
21 just modeling poses. So I strongly disagree with that.

22 Materials that were found on my computer, as far as
23 recently, it was just free websites, free pictures that were
24 modeling websites, I felt, most of the stuff. Maybe 15 or 20
25 were borderline child porn type acts, 15 or 20 pictures that I

1 agree that that's what I'm pleading to, but most of the stuff
2 was modeling pictures and nudist colony type stuff that in most
3 countries in this world it is perfectly legal. I feel that
4 probably 50 million households in this country have computers
5 that have at least some illegal pictures on them.

6 THE COURT: Are you saying that when you're talking
7 about these images, are they children modeling or are they
8 adults?

9 MR. KREPPS: It is various ages. It is hard to
10 determine.

11 THE COURT: Well, are they under the age of 18?

12 MR. KREPPS: Let me give you an example. There is
13 one recent website that it is just pictures from a camera
14 phone, and there is no -- the FBI, when they interviewed me,
15 were asking me if I liked looking at pictures where they have
16 their faces and stuff covered with like excretions and stuff,
17 and it is camera phones that people take pictures of like any
18 ages. You don't know what ages the people are.

19 It is a perfectly free website that you go to and
20 millions of people look at it, and you don't know what age the
21 people are. There is no warning that it is illegal. There is
22 nothing like that on there.

23 THE COURT: I'm going to ask Mr. Sempa, you have
24 heard the statement by the Defendant and --

25 MR. KREPPS: Can I add one thing real quick?

1 THE COURT: Please, yes. I didn't mean to cut you
2 off.

3 MR. KREPPS: He mentioned about movies. There was
4 only pictures, to my recollection. There was no movies, as far
5 as on my computers.

6 In 2005, it was two dvds that was bought, and I
7 thought it was a modeling website, but on my computers that the
8 FBI seized, there was no movies that I remember at all being on
9 there. It was just some photographs.

10 THE COURT: Mr. Sempa.

11 MR. SEMPA: Your Honor, one of the things that the
12 Defendant may not be aware of the definition of child
13 pornography. Child pornography doesn't mean just -- they can
14 have little clothing on, and as long as the focus of the camera
15 and the focus of the picture is the genital area of a child
16 under 18, that constitutes child pornography, and it is a
17 sexually explicit pose in that manner. So the person does not
18 even have to be totally nude. The child doesn't have to be
19 totally nude for it to be child pornography, Your Honor.

20 As an example from that series, I will show the
21 Defendant. I will show the Court, as much as I dislike to show
22 these things. This was of a 13-year-old girl. She is slightly
23 clothed. Nevertheless, under the Federal definition of child
24 pornography, this constitutes child pornography.

25 Do you deny that these --

1 THE COURT: We will mark these as Government Exhibits
2 1, 2 and 3.

3 MR. SEMPA: There is two more, Your Honor.

4 MR. KREPPS: When I went to that website --

5 THE COURT: Just a minute. This will be 4 and 5.

6 (At this time, Government's Exhibit Nos. 1 through 5 were
7 marked for identification.)

8 MR. KREPPS: When I went to that website, there is no
9 examples of any of that at that website. It is a modeling
10 website, so I decided to order two dvds.

11 When I got them, I questioned it, because it seemed
12 like there was when you see the video, there is that type of
13 image, but that image wasn't at the website. The website
14 looked perfectly legal. Millions of people probably go to it,
15 and then when I looked at it, then I saw they might be -- the
16 clothing might lift up a little bit. So I just destroyed them
17 and I went on with my life.

18 I mean, when I was on the internet at the modeling
19 website, I didn't -- it is just models that were clothed.
20 There was no pictures on the website when you order that video
21 that show that.

22 MS. CRONIN: Your Honor, may I speak to my client?

23 THE COURT: You may. Yes.

24 I think what we better do is put on the record again
25 for purposes of clarity, Mr. Sempa, what exactly the Defendant

1 is specifically charged with having done, what his acts were,
2 and then each time that you mention his acts, I'm going to ask
3 him whether he admits that he did these things.

4 Would you?

5 MR. SEMPA: Yes, Your Honor.

6 Your Honor, again, the facts of this case are that in
7 the fall of 2006, the European law enforcement, the Italian law
8 enforcement, identified a producer of child pornography and
9 searched his residence in the fall of 2006, located 50,000
10 e-mails that he exchanged with individuals who had visited the
11 website youngvideomodels.net.

12 Italian law enforcement authorities provided these
13 e-mails to Europol, who then sorted them by country according
14 to IP addresses and sent several to the FBI, approximately 1400
15 who were believed to be United States citizens or people
16 residing in the United States.

17 The material that was seized as well from this
18 producer of child pornography depicted females under the age of
19 17, some under the age of 10, engaging in sexually explicit
20 conduct, including lascivious exhibition of the genitals,
21 either nude or partially nude, as well as minors engaged in
22 sexual acts.

23 One of the e-mail exchanges provided was between this
24 webmaster, the youngvideomodels.net, and lv1lak@verizon.net.

25 Two e-mail exchanges in 2005 that were sent and that indicated

1 first that this person at this screen name, or this e-mail
2 address, which was determined to be Mr. Krepps, in April of
3 2005 sent a message to this website, I'm interested in
4 purchasing all the dvds available, and then in August of 2005,
5 communicating, I sent a Western Union order to you on 7/28/05.
6 As of now, Wednesday, August 24th, I still have not received
7 the order. The two titles that I ordered are N12 and N13, and
8 the ordering address was Leon Krepps of Warren Street in
9 Bethlehem, Pennsylvania.

10 THE COURT: So do you admit that you made those
11 orders?

12 MR. KREPPS: Yes.

13 THE COURT: And you received those products?

14 MR. KREPPS: Yes.

15 MR. SEMPA: Your Honor, the exhibits that have been
16 mentioned in this proceeding and that have been shown to the
17 Court and to the Defendant are the ones that were ordered by
18 the Defendant, N12 and N13, and they are images of an
19 individual called Nadia, a 13-year-old girl, depicted as
20 evident from the poses in this matter.

21 Then, the FBI determined that Mr. Krepps, through
22 Comcast, was the person who was using that e-mail address. In
23 October of 2008, Mr. Krepps was interviewed by the FBI. He
24 said he remembered visiting the youngvideomodels.net website.
25 He was shown a copy of the e-mails that I had referenced, and

1 he acknowledged sending them.

2 He did acknowledge that the videos appear to be
3 13-year-old females dancing partially clothed, but also
4 focusing on the breast and vaginal area as well.

5 I don't know if you want him to acknowledge that.

6 THE COURT: Do you admit what Mr. Sempa has just
7 reviewed with you?

8 MR. KREPPS: Yes.

9 THE COURT: And you have received those?

10 MR. KREPPS: Yes, I received them.

11 MR. SEMPA: Mr. Krepps advised that he would get on
12 the computer a couple times a week, spend about two hours
13 looking for pornography, sometimes adult pornography, sometimes
14 child pornography, and had been doing it actively since 2005.

15 THE COURT: Have you done that?

16 MR. KREPPS: Yes.

17 MR. SEMPA: He also further advised that there was a
18 list of pornography sites that was written on a piece of paper
19 near his computer. He gave consent for the interviewing agent
20 to search for this document. The document was seized by the
21 FBI agent and several of the websites were known child
22 pornography sites.

23 THE COURT: And that is so?

24 MR. KREPPS: Yes.

25 MR. SEMPA: He consented to a search of the

1 computers. A forensic exam was conducted on his computers. It
2 revealed hundreds of images and videos of child pornography,
3 included at least 100 known victims of child pornography. Some
4 of the videos were images, others where young girls would be
5 exposing themselves, a lascivious exhibition of the genital
6 area. There were other images that depicted sex acts, some of
7 which were even sadomasochistic sexual acts.

8 THE COURT: Do you admit that?

9 MR. KREPPS: Yes. The only thing, as far as that
10 statement, I don't recall videos. I recall pictures, but, yes,
11 I admit that.

12 MR. SEMPA: That is not a problem, Your Honor.

13 Mr. Krepps, did you willfully and knowingly receive
14 these images of child pornography?

15 MR. KREPPS: Yes.

16 MR. SEMPA: That is sufficient, Your Honor.

17 THE COURT: And you have heard Mr. Sempa and you
18 heard Miss Cronin review the plea agreement.

19 Are you in agreement with the plea agreement?

20 MR. KREPPS: Yes.

21 THE COURT: And if you would turn to Page 20 of the
22 plea agreement, is that your signature, Leon?

23 MR. KREPPS: Yes.

24 THE COURT: Under the Sentencing Reform Act of 1984,
25 the United States Sentencing Commission has issued guidelines

1 for Judges to follow in determining what the sentence will be
2 in a criminal case, such as this. Do you understand that?

3 MR. KREPPS: Yes.

4 THE COURT: And have you and Miss Cronin talked about
5 the sentencing commission guidelines and how they might apply
6 to your case?

7 MR. KREPPS: Yes.

8 THE COURT: You understand we will not be able to
9 determine what the guideline sentence for your case is until we
10 have the benefit of the presentence report, and you and the
11 Government have had an opportunity to review it and, if
12 necessary, to challenge the facts or the conclusions reported
13 by the probation officer. Do you understand that?

14 MR. KREPPS: Yes.

15 THE COURT: These guideline, what they do is, they
16 establish sentencing ranges, and they are advisory to the
17 Court, they are not mandatory on the Court, but the Court does
18 consult the guidelines and takes them into account when
19 imposing a sentence on anyone. Do you understand that?

20 MR. KREPPS: Yes.

21 THE COURT: Do you understand if you are sent to
22 prison, a term of supervised release will be imposed when you
23 are released from prison?

24 MR. KREPPS: Yes.

25 THE COURT: If you violate your supervised release,

1 you can be returned to prison. Do you understand that?

2 MR. KREPPS: Yes.

3 THE COURT: Do you understand that under some
4 circumstances, you or the Government may appeal any sentence
5 that I impose in the case? Do you understand that?

6 MR. KREPPS: Yes.

7 THE COURT: Do you understand that parole has been
8 abolished in the Federal system, and that if you are sentenced
9 to prison, a term of supervised release -- strike that.

10 If you are sentenced to prison, you will not be
11 released on parole. Do you understand that?

12 MR. KREPPS: Yes.

13 THE COURT: And the crime that you're pleading guilty
14 to is a felony, and if it is accepted and adjudicated, it can
15 deprive you of valuable Civil Rights, such as the right to
16 vote, the right to hold public office, the right to serve on a
17 jury, the right to possess any kind of a firearm, and it can
18 require you to submit to a DNA sample. Do you understand that?

19 MR. KREPPS: Yes.

20 THE COURT: So we talked about a number of things
21 here in the last 40 minutes, 45 minutes, and I want to ask you,
22 is there anything you don't understand that we have reviewed
23 and you wish the Court to return to and give a fuller
24 explanation? Do you understand everything?

25 MR. KREPPS: Let me think for a minute if I have any

1 questions.

2 THE COURT: Do you have a question?

3 MR. KREPPS: No. Let me think for a minute.

4 THE COURT: Sure.

5 MS. CRONIN: Can I speak to him?

6 THE COURT: Yes.

7 Is there anything? We have been here for some time.
8 Is there anything you don't understand or that you would like
9 to return to?

10 MS. CRONIN: Your Honor, I believe my client wants to
11 be reassured that he has a plea agreement of 135 months which
12 has been worked out with the Government and defense counsel,
13 and this number was arrived at looking at the guidelines as
14 they exist today and my client's specific situation.

15 He and his wife want to be sure that that is the
16 number, that if the Court accepts that number, that is the
17 number that he will get. That if the Court decides that it is
18 not an appropriate number, he would then have the right to go
19 to trial. For example, he won't get 210 months. I have told
20 him that that is the way it is, but he wants to be reassured by
21 you.

22 THE COURT: If that happens, I cannot say -- I have
23 no idea what the future is going to hold with respect to Mr.
24 Krepps' case.

25 However, if there is a plea agreement, and if I

1 accept it, that is what he would be -- the sentence that would
2 be imposed.

3 If I said, no, I cannot accept that, and I'm going to
4 sentence him to 136 months, then he has a right to withdraw the
5 plea and go to trial. Do you understand that?

6 MR. KREPPS: I understand.

7 THE COURT: But is there anything else, Leon, that
8 you don't understand? Do you understand everything?

9 MR. KREPPS: Yeah, I understand.

10 THE COURT: And is it still your intention to plead
11 guilty?

12 MR. KREPPS: Yes.

13 THE COURT: You think it's in your best interest to
14 do so?

15 MR. KREPPS: Yes.

16 THE COURT: How do you plead to the charge, guilty or
17 not guilty?

18 MR. KREPPS: Guilty.

19 THE COURT: I will defer ruling on the plea agreement
20 until we have the benefit of the presentence investigation
21 report, and the presentence report will be disclosed to the
22 parties by the probation officer on March the 30th, and
23 Mr. Krepps will stand before the Court for sentencing on May
24 the 10th at 10 a.m.

25 Mr. Krepps, I have been passed a piece of paper

1 captioned, motion to withdraw your plea of not guilty, wherein
2 you ask the Court to permit you to withdraw your plea of not
3 guilty and enter a plea of guilty to Count 1 of the indictment.

4 Is that your wish?

5 MR. KREPPS: Yes.

6 THE COURT: Is that your signature on that piece of
7 paper?

8 MR. KREPPS: Yes, it is.

9 THE COURT: I will grant your motion, and I will
10 affix my signature to that.

11 There is a Statement of Defendant. Would you voir
12 dire Mr. Krepps?

13 MR. SEMPA: Yes, Your Honor.

14 Mr. Krepps, I'm showing you a three-page document.
15 It is called Statement of Defendant, and it purports to carry
16 your signature on Page 3.

17 Is that your signature?

18 MR. KREPPS: Yes.

19 MR. SEMPA: That is your lawyer's signature next to
20 it, correct?

21 MR. KREPPS: Yes.

22 MR. SEMPA: Did you read over this three-page
23 document Statement of Defendant?

24 MR. KREPPS: I agree.

25 MR. SEMPA: You agree everything in there is true?

1 MR. KREPPS: Yes.

2 MR. SEMPA: You have read over this before with your
3 lawyer, correct?

4 MR. KREPPS: Yes.

5 MR. SEMPA: Do you understand everything in there?

6 MR. KREPPS: Yes.

7 MR. SEMPA: Was she able to answer any of the
8 questions about this?

9 MR. KREPPS: Yes.

10 MR. SEMPA: Everything in there is true and correct?

11 MR. KREPPS: Yes.

12 MR. SEMPA: Do you have any questions about this
13 Statement of Defendant at all?

14 MR. KREPPS: No.

15 MR. SEMPA: Did anybody force you, coerce you or
16 threaten you in any way to sign this Statement of Defendant?

17 MR. KREPPS: No.

18 THE COURT: Do you have any questions of me
19 concerning the statement?

20 MR. KREPPS: No.

21 THE COURT: Mr. Krepps is on release. We will
22 continue his release on his personal recognizance, and under
23 the act, it is required that electronic monitoring be imposed
24 and a number of conditions which have been submitted.

25 MR. SEMPA: Your Honor, he's under those conditions

1 now, and we would ask that he continue under the same
2 conditions.

3 THE COURT: They will just continue.

4 MR. KREPPS: Yes.

5 THE COURT: Thank you.

6 MR. SEMPA: Thank you, Your Honor.

7 (At this time, the proceedings in the above-captioned
8 matter adjourned.)
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REPORTER'S CERTIFICATE

I, Suzanne A. Halko, Official Court Reporter for the United States District Court for the Middle District of Pennsylvania, appointed pursuant to the provisions of Title 28, United States Code, Section 753, do hereby certify that the foregoing is a true and correct transcript of the within-mentioned proceedings had in the above-mentioned and numbered cause on the date or dates hereinbefore set forth; and I do further certify that the foregoing transcript has been prepared by me or under my supervision.

Suzanne A. Halko, RMR, CRR
Official Court Reporter

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United States District Court
Middle District of Pennsylvania
Scranton, PA 18501-0090

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